

Nays: Washington.

Absent-excused: Farabee, Glasgow, Lyon, Mauzy, Sims.

The bill was read third time and was passed.

#### **SENATE BILL 226 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 226**, Relating to emergency financial reserves of the firemen's relief and retirement fund.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 226 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 226** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent-excused: Farabee, Glasgow, Lyon, Mauzy, Sims.

The bill was read third time and was passed.

#### **RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

**H.C.R. 19**

**H.C.R. 21**

**H.C.R. 22**

**H.C.R. 26**

**H.C.R. 27**

#### **MEMORIAL RESOLUTION**

**S.R. 75** - By Farabee, Glasgow: Memorial resolution for Earle B. Mayfield, Jr.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:30 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 4, 1985.

#### **FOURTEENTH DAY**

(Monday, February 4, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford,

Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Washington.

A quorum was announced present.

Senator Gonzalo Barrientos offered the invocation as follows:

Lord, all powerful, help us today recognize that there is:

—A time to use power but also a time to use persuasion

—A time to act but also a time to diagnose

—A time to accelerate change but also a time to slow it

—A time to intervene but also a time to refrain from intervening

But whether we confront or collaborate, intervene or analyze, let it flow from understanding and courage and love and not from ignorance; cowardice, or fear. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 31, 1985, was dispensed with and the Journal was approved.

#### LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

#### REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 127

S.B. 13

C.S.S.B. 114

#### SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 324 by Caperton, Brown Criminal Justice  
Relating to the payment by the state of certain expenses arising from the investigation and prosecution of an inmate or employee of the Texas Department of Corrections.

S.B. 325 by Caperton Education  
Relating to the engineering excellence fund.

S.B. 326 by Barrientos Education  
Relating to a career ladder and minimum salaries for educational aides and school secretaries.

S.B. 327 by Williams State Affairs  
Relating to special license plates for active or retired members of the Texas Army National Guard, Texas Air National Guard, or Texas State Guard.

S.B. 328 by Williams Finance  
Relating to exemption of certain personally owned aircraft from ad valorem taxation and from forced sale for debt.

**S.B. 329** by Brooks Health and Human Resources  
Relating to the annual report of the Texas Department of Human Resources.

**S.B. 330** by Brooks Economic Development  
Relating to jurisdiction over the regulation of certain entities by the State Board of Insurance.

**S.B. 331** by Caperton Finance  
Relating to the fees collected by district clerks and to the funding and use of the district court supplemental salary and judicial system support fund; making an appropriation; amending Article 3927, Revised Statutes, as amended.

**S.B. 332** by Caperton State Affairs  
Relating to requiring identifying markings on certain motor vehicles; providing a penalty; amending Title 116, Revised Statutes, as amended, by adding Article 6701b-1.

**S.B. 333** by Caperton Criminal Justice  
Relating to the administration, powers and duties, and continuation of the Prosecutor Council.

**S.B. 334** by Whitmire Intergovernmental Relations  
Relating to employment and compensation of a mental health administrator for the Probate Court No. 3 of Harris County.

**S.B. 335** by Whitmire Intergovernmental Relations  
Relating to appointment of masters for certain district courts in Harris County.

**S.B. 336** by Whitmire Criminal Justice  
Relating to the location of and notice required for the establishment of restitution centers in Harris County.

**S.B. 337** by Lyon Health and Human Resources  
Relating to procedures for the determination of land use for the siting of municipal solid waste facilities.

**S.B. 338** by Lyon Jurisprudence  
Relating to the admissibility of certain statements of a child in court proceedings.

**S.B. 339** by Lyon Natural Resources  
Relating to the right of eminent domain for the purpose of obtaining access to land dedicated to the Permanent School Fund.

**S.B. 340** by Sharp Finance  
Relating to a supplemental appropriation to the Board of Nurse Examiners.

**S.B. 341** by Sarpalius Education  
Relating to certified nondegree public school teachers, including vocational education teachers, and to vocational education program enrollments.

**S.B. 342** by Uribe Jurisprudence  
Relating to the expiration of marriage licenses.

#### **BILL AND RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

**S.B. 90**  
**S.C.R. 23**

**SENATE RESOLUTION 74**

Senator Parker offered the following resolution:

WHEREAS, On Monday, February 4, 1985, Port Arthur Day will once again be celebrated by the proud residents of Port Arthur in Jefferson County; and

WHEREAS, The community spirit in Port Arthur, especially as exhibited during this happy celebration, is understandable—the citizens of this area have made it one of the outstanding cities in the great State of Texas; and

WHEREAS, Port Arthur has a rich history of hard work and determination in overcoming a variety of obstacles, including freezes and hurricanes; and today the city is the vibrant center of one of the world's major oil refining districts, its initial refineries having been constructed to serve the flow of the famed Spindletop field; and

WHEREAS, This dynamic city is one of the busiest ports in the United States; its shipping facilities, the first of which were constructed in 1901, handle huge tonnages annually of imported oil, as well as diverse exports of chemicals, petroleum and paper products, wheat, and sorghum; and

WHEREAS, The recreational attractions of Port Arthur and its environs include Pleasure Island, Sea Rim State Park, and the Gulf beaches, which are enjoyed by the residents as well as thousands of tourists every year; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, join the citizens of Port Arthur in paying tribute to their city on Port Arthur Day; and, be it further

RESOLVED, That a copy of this resolution be prepared for the city of Port Arthur in recognition of this splendid occasion and as an expression of congratulations from the Texas Senate.

The resolution was read and was adopted.

**GUESTS PRESENTED**

Senator Parker presented a large delegation of citizens of Port Arthur seated in the gallery.

The Senate welcomed them as guests for today.

**SENATE CONCURRENT RESOLUTION 35**

Senator Farabee offered the following resolution:

S.C.R. 35, Granting the Texas YMCA Youth and Government Program permission to use the House Chamber from March 1 and 2 in 1985 and February 28 and March 1, 1986, and the Senate Chamber on March 1 and 2 in 1985 and February 28 and March 1 in 1986.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
January 31, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,  
REGULAR SESSION:

Please be advised that I am making the following appointment:

TO BE EXECUTIVE DIRECTOR OF THE CRIMINAL JUSTICE POLICY  
COUNCIL:

For a term to continue at the pleasure of this Governor:

RONALD DEAN CHAMPION

4208 Cat Hollow Drive

Austin, Texas 78731

(Mr. Champion is replacing Mr. Charles Garland Shandera of Huntsville, Walker County, Texas, who resigned.)

Respectfully submitted,

/s/Mark White  
Governor of Texas

#### SENATE BILL 137 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 137**, Relating to the procedure for filing triplicate prescription forms for certain prescriptions, the information required on triplicate prescriptions for controlled substances, the circumstances under which unused prescription forms must be returned to the Department of Public Safety, the period for which patient information is retained, and the expiration date of the triplicate prescription provisions.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on engrossment of the bill.

#### SENATE BILL 137 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 137** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Mauzy.

Absent-excused: Washington.

The bill was read third time and was passed.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 203 ON SECOND READING**

On motion of Senator Sarpalius and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 203**, Relating to continuation, administration, duties, operations, and finances of the office of Canadian River Compact Commissioner for Texas.

The bill was read second time and was passed to engrossment.

**SENATE BILL 203 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 203** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

**SENATE BILL 204 ON SECOND READING**

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 204**, Relating to the continuation, term, duties, and operation of the office of Pecos River Compact Commissioner for Texas.

The bill was read second time and was passed to engrossment.

**SENATE BILL 204 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 204** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McFarland.

Absent-excused: Washington.

The bill was read third time and was passed.

**SENATE BILL 205 ON SECOND READING**

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 205**, Relating to continuation, term, rights, and duties of the office of Red River Compact Commissioner for Texas.

The bill was read second time and was passed to engrossment.

**SENATE BILL 205 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 205** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McFarland.

Absent-excused: Washington.

The bill was read third time and was passed.

#### **COMMITTEE SUBSTITUTE SENATE BILL 225 ON SECOND READING**

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 225**, Relating to the continuation of the Texas Coastal and Marine Council and its administration, powers, and duties.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 225 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 225** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McFarland.

Absent-excused: Washington.

The bill was read third time and was passed.

#### **SENATE BILL 141 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 141**, Relating to student union fees at North Texas State University.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 141 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 141** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McFarland.

Absent-excused: Washington.

The bill was read third time and was passed.

#### **SENATE BILL 165 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 165**, Relating to the compensation of the district judges in Travis County.

The bill was read second time and was passed to engrossment.

**SENATE BILL 165 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 165** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McFarland.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE BILL 241 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 241**, Relating to the place that the Court of Appeals for the Fourth Supreme Judicial District transacts business; amending Title 39, Revised Statutes, as amended, by adding Article 1817g.

The bill was read second time and was passed to engrossment.

**SENATE BILL 241 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 241** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McFarland.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE BILL 73 ON SECOND READING**

On motion of Senator Blake and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 73**, Relating to the application of the Professional Prosecutors Act to certain district attorneys.

The bill was read second time and was passed to engrossment.

**SENATE BILL 73 ON THIRD READING**

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 73** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McFarland.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)



**MOTION TO PLACE SENATE BILL 54 ON SECOND READING**

Senator Santiesteban asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take up for consideration at this time:

**S.B. 54**, Relating to the expenditure of funds for the operation and maintenance of the Franklin Mountains State Park.

There was objection.

Senator Santiesteban then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up **S.B. 54** for consideration at this time.

The motion was lost by the following vote: Yeas 22, Nays 5. (Not receiving four-fifths vote of the Members of the Senate)

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Glasgow, Harris, Henderson, Kothmann, Krier, Leedom, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Williams.

Nays: Caperton, Farabee, Howard, Jones, Sharp.

Absent: Lyon, McFarland, Whitmire.

Absent-excused: Washington.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Blake and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider **S.C.R. 34** today upon adjournment.

**MEMORIAL RESOLUTIONS**

**S.C.R. 36** - By Brooks: Memorial resolution for Dr. Walter W. Kemmerer, Jr.

**S.R. 76** - By Montford: Memorial resolution for Patrick A. Abeyta.

**S.R. 78** - By Montford: Memorial resolution for Donald Wooten.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:43 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

Sent to Governor  
(January 31, 1985)

**S.C.R. 13**

**S.C.R. 15**

**S.C.R. 29**

(February 4, 1985)

**S.B. 90**

**S.C.R. 23**

**In Memory**

of

**Sam Houston Allred, Sr.**

Senator Montford offered the following resolution:

**(Senate Resolution 77)**

WHEREAS, Former State Representative Sam Houston Allred, Sr., died on April 11, 1984, at the age of 83, and the people of Texas are saddened by the departure of a valued and trusted fellow citizen; and

WHEREAS, A native of Hill County, he studied in Lebanon, Tennessee, at Cumberland College, and later in Denton at what is now North Texas State University; and

WHEREAS, This distinguished gentleman, who held an honorary doctoral degree in law, served during his early career as a criminal district attorney in Hillsboro; and

WHEREAS, Mr. Allred won a special election to fill the office of a resigned legislator and represented Hill and Navarro counties in the 4th and 5th Called Sessions of the 41st Legislature, held in 1930 shortly after the onset of the Great Depression; and

WHEREAS, In 1945 this able attorney moved to Lubbock, where he continued to practice law until his death; and

WHEREAS, He was a member of the Masonic Lodge, Lubbock Scottish Rite, and Khiva Temple, and was a member and deacon of the Broadway Church of Christ; and

WHEREAS, The loss of one of its former members, particularly one named for Texas' great patriot, is an occasion for a tribute by the legislature in honor of his contribution, during troubled times in the history of this state, to the betterment of his fellow citizens; now, therefore, be it

RESOLVED, That the Senate of the 69th Legislature of the State of Texas hereby honor the life of Sam Houston Allred, Sr., and extend sympathy to the members of his family: to his son, Sam H. Allred, Jr., of San Francisco, California; to his brothers, H. F. Allred of Lubbock and Ruben Allred of Hillsboro; and to his sisters, Lillian Allred, Ethel Allred, and Luna V. Allred, all of Hillsboro, and Mrs. Mark Adair of Cross Plains; and, be it further

RESOLVED, That official copies of this resolution be prepared for members of his family and that when the Senate adjourns this day it do so in memory of Sam Houston Allred, Sr.

The resolution was read.

On motion of Senator Montford and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.